

2008 APR 17 PM 6: 17

- 11 -

TAKATORI *et al.*
Appl. No. 10/070,221***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 11-13 and 14-27 are pending in the application, with claims 11, 17, 18, 20 and 21 being the independent claims. Claim 14 is sought to be cancelled without prejudice to or disclaimer of the subject matter therein. Claims 11-13, 15-18, 20, and 21 are sought to be amended. Applicants reserve the right to prosecute similar or broader claims, with respect to the canceled and amended claims, in the future. New claims 22-27 are sought to be added. These changes are believed to introduce no new matter, and their entry is respectfully requested. Support for the claim amendments may be found, for example, at pages 15-18 in the as filed application.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Objection under 35 U.S.C. § 132(a)

The Examiner has objected to the amendment filed on December 6, 2007 under 35 U.S.C. §132(a) as allegedly introducing new matter into the disclosure. Specifically, the Examiner objected to paragraphs [0006], [0038], [0041], [0042], [0045] and [0053] as allegedly incorporating new matter. *See* Office Action, pages 2-3. Without acquiescing to the propriety of the objection, Applicants have amended the aforementioned paragraphs. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the objection.

Atty. Dkt. No. 2222.6090001

2008 APR 17 PM 6:17

- 12 -

TAKATORI *et al.*
Appl. No. 10/070,221***Rejections under 35 U.S.C. § 112***

The Examiner has rejected claims 11 and 21 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. Specifically, the Examiner states that “[t]he claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, has possession of the claimed invention.” *See* Office Action, page 5. Without acquiescing to the propriety of the rejection, Applicants have amended claims 11 and 21. Accordingly, Applicants respectfully request that the rejection be reconsidered and withdrawn.

The Examiner has further rejected claims 17 and 21 under 35 U.S.C. § 112, second paragraph, as allegedly failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Without acquiescing to the propriety of the rejection, Applicants have amended claims 17 and 21. Accordingly, Applicants respectfully request that the rejection be reconsidered and withdrawn.

Rejections under 35 U.S.C. § 103**Claims 11, 12, 17, and 21**

The Examiner has rejected claims 11, 12, 17 and 21 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Japanese Publication No. 2000-76336 to Taro (“Taro”) in view of Japanese Publication No. 2000-92236 to Shuichi (“Shuichi”). For the reasons set forth below, Applicants respectfully traverse.

Independent claim 11 has been amended to recite, *inter alia*, the feature of “completing the transaction without authentication of the user when a second one of the

2008 APR 17 PM 6: 17

- 13 -

TAKATORI *et al.*
Appl. No. 10/070,221

authentication level is determined.” Neither Taro nor Shuichi teach or suggest at least this feature.

Taro at most describes the use of an electronic commerce technology division server provider equipment, an electronic banking authorization system, and a user terminal which interact to perform authentication. *See* Taro, paragraphs [0012]-[0013] and [0024]. Taro, however, does not teach or suggest “completing the transaction **without** authentication of the user when a second one of the authentication level is determined,” as recited by claim 11 (emphasis added). In fact, Taro is completely silent to the use of authentication levels.

Shuichi does not cure the deficiencies of Taro. Shuichi, like Taro, fails to teach or suggest the use of authentication levels in any regards. Shuichi may describe the authentication of a user at a communications terminal. *See* Shuichi, paragraph [0003]. However, there is no “authentication level” at which the user is authenticated, let alone an “authentication level” that does not require authentication before a transaction may be completed, as recited by claim 11.

For at least the reasons set forth above, Applicants submit that independent claim 11, as amended herein, is patentable over Taro and Shuichi, alone or in combination. Dependent claim 12 is similarly patentable over the combination of Taro and Shuichi for at least the same reason as claim 11, from which it depends, and further in view of its own respective feature. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 11 and 12 under 35 U.S.C. § 103(a).

New claim 22 is similarly patentable over the combination of Taro and Shuichi for at least the same reason as claim 11, from which it depends, and further in view of its

2008 APR 17 PM 6:17

- 14 -

TAKATORI *et al.*
Appl. No. 10/070,221

own respective feature. Accordingly, Applicants respectfully request favorable consideration of claim 22.

Independent claims 17 and 21, as amended herein, recite, *inter alia*, “wherein the transaction is completed without authentication of the user when a second one of the authentication level is determined” and “completing the transaction without authentication of the user when a second one of the authentication level is determined,” respectively. As noted above in regards to independent claim 11, neither Taro nor Shuichi teach or suggest at least this feature.

Therefore, since Taro and Shuichi, alone or in combination, fail to teach or suggest each and every feature of independent claims 17 and 21, they cannot be used to establish a *prima facie* case of obviousness for claims 17 and 21. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 17 and 21 under 35 U.S.C. § 103(a).

New claims 23-27 are similarly patentable over the combination of Taro and Shuichi for at least the same reason as claim 17, from which they depend, and further in view of their own respective features. Accordingly, Applicants respectfully request favorable consideration of claims 23-27.

Claims 13-16

The Examiner has rejected claims 13-16 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Taro in view of Shuichi, and in further view of Japanese Publication No. 06-215009 to Schunichi (“Schunichi”). For the reasons set forth below, Applicants respectfully traverse.

Claim 14 has been cancelled by the above amendment thereby rendering the rejection of claim 14 moot.

As noted above, Taro and Shuichi fail to teach or suggest each and every feature of independent claim 11. Schuinichi does not cure the deficiencies of Taro and Shuichi with respect to independent claim 11. Schuinichi teaches a basic credit card system that does not allow for purchases that exceed a predetermined credit limit, as stated by the Examiner on page 11 of the Office Action regarding previously pending claim 14. In contrast, claim 11 is not concerned with credit limits, but rather recites “determining an authentication level required for the transaction based on a parameter of the transaction” and “completing the transaction without authentication of the user when a second one of the authentication level is determined.” Schuinichi does not teach or suggest of an authentication level in which a transaction may be completed **without** authenticating a user, as recited by claim 11.

For at least the reason set forth above, Applicants submit that independent claim 11, as amended herein, is patentable over Taro, Shuichi and Schuinichi, alone or in combination. Dependent claims 13, 15 and 16 are similarly patentable over the combination of Taro, Shuichi and Schuinichi for at least the same reason as claim 11, from which they depend, and further in view of their own respective features. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 13, 15 and 16 under 35 U.S.C. § 103(a).

2008 APR 17 PM 6:17

- 16 -

TAKATORI *et al.*
Appl. No. 10/070,221**Claims 18-20**

The Examiner has rejected claims 18-20 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Shuichi in view of Taro. For the reasons set forth below, Applicants respectfully traverse.

Independent claims 18 and 20, as amended herein, recite, *inter alia*, “wherein the request for information is received after the transaction has completed when a second one of an authentication level is used for the transaction.” As noted above in regards to claim 11, neither Shuichi or Taro teach or suggest the use of authentication levels. Furthermore, even if we assume, for the sake of argument, that the combination of Shuichi and Taro taught of authentication levels, the combination still fails to teach or suggest receiving a request for information regarding authentication **after** a transaction has been completed, as recited in claims 18 and 20.

For at least the reasons noted above, Applicants submit that claims 18 and 20 are patentable over Taro and Shuichi, alone or in combination. Dependent claim 19 is similarly patentable over the combination Taro and Shuichi for at least the same reason as claim 18, from which it depends, and further in view of its own respective feature. Accordingly, Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claims 18-20 under 35 U.S.C. § 103(a).

2008 APR 17 PM 6: 17

- 17 -

TAKATORI *et al.*
Appl. No. 10/070,221

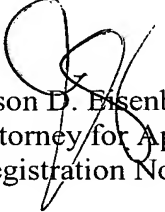
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.


Jason D. Eisenberg
Attorney for Applicants
Registration No. 43,447

Date: 4/14/08

1100 New York Avenue, N.W.
Washington, D.C. 20005-3934
(202) 371-2600

Atty. Dkt. No. 2222.6090001